IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9979 of 1999

Between:

1. Dangeti Chekram S/o Sathyam,Occ: agriculture Madhavapuram village, Pitapuram Mandal, East Godavari District.

2. Dangeti Venkanna S/o Satyam, Occ: agriculture Madhavapuram village, Pitapuram Mandal, East Godavari District.

..... PETITIONERS

AND

1. The District Collector, East Godavari District, at Kakinada.

2. Revenue Divisional Officer (Land Acquisition Officer), Kakinada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the acquisition of the petitioners' land to an extent of Acs.3-46 in Sy.No.101/1 situated at Madhavapuram village, Pitapuram Mandal, East Godavari District vide 4(1) notification Ref.No.G2/1291/99 dated 26-2-1999 and Section 6 declaration vide Reference No.G2/1291/99 dated 27-2-1999 of the Land Acquisition Act by the 1st respondent herein as illegal, arbitrary and void.

Counsel for the Petitioners: MR.V.JITENDER RAO FOR MR.T.BHEEMSEN

Counsel for the Respondents: GP FOR REVENUE (LA)

The Court made the following:

ORDER:

The two petitioners claim to be tenants of agricultural lands belonging to M.S.N.Charities, admeasuring Acs.3.46 in Survey No.101/1. It appears they also filed applications under A.P. (Andhra Area) Tenancy Act, 1956 (for short, the Tenancy Act). When the applications were pending, the first respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1984 ('the Act', for brevity) proposing to acquire the land in Survey No.101/1 for public purpose, to wit, for providing house site pattas to people belonging to weaker sections. The petitioners seek invalidation of the said proceedings on various grounds.

When the matter was heard today, the learned counsel for the petitioners, Sri V.Jithender Rao submits that the case filed by the petitioners under the Tenancy Act was dismissed and the Appeal was also dismissed. Be that as it is, the petitioners being the tenants of a charitable institution, by reason of Section 82(1) of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987, the lease stands cancelled and in that view of the matter, they cannot be said to have any *locus standi* to question the impugned notification. However, if the petitioners have any inchoate right, it is open to them to approach the Land Acquisition Officer claiming a share. The submission of the learned Assistant Government Pleader that eighty per cent of the compensation is already paid to M.S.N.Charities and possession was taken, is recorded.

The writ petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO,J)

16.08.2004.

pln

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, East Godavari District at Kakinada.
2. The Revenue Divisional Officer (Land Acquisition Officer), Kakinada, East Godavari District.
3. 2 CCs to the Government Pleader for Revenue (LA), High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.